

MEMORANDUM

DATE: March 17, 2008

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell
Chairperson
State Council for Persons with Disabilities

RE: S.C.R. 24 [Eagles Law Revision]

The State Council for Persons with Disabilities (SCPD) has reviewed S.C.R. 24 which would establish a task force to study the recommendations incorporated in S.B. 175. The Legislature enacted S.B. 115 (Eagle's Law) in 2000 which established minimum staffing levels within long-term care facilities. According to S.C.R. 24 (lines 9-11), the Director of the Medicaid Fraud Unit issued recommendations to revise the staffing standards. Those recommendations were incorporated into S.B. 175. S.B. 175 proposes comprehensive revision of staffing standards and imposes strict penalties for violations.

This resolution was introduced on June 30, 2007 and passed the Senate the same day. It never received a House vote and has remained in the House Policy Analysis & Government Accountability Committee since July 1, 2007. The Task Force was to begin meeting in September, 2007 and issue a report by December 7, 2007. It is unclear if the House intends any action on the Resolution. SCPD endorses the Resolution if it remains viable, since it would promote a reasoned assessment of a "complex" system with significant effect on resident care. However, SCPD recommends expansion of the Task Force membership to include representation from the SCPD. The proposed Task Force limits consumer representation to the elderly (line 35) and ignores non-elderly constituents, including pediatric nursing home residents. See Title 16 Del.C. §§1119A and 1119B.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or comments on the proposed legislation.

cc: The Honorable Ruth Ann Minner
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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